

#13/Supp
Declaration
10-1-01
C.Willis

Patent

Attorney's Docket No. 007325-077**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Reissue Application of)
U.S. Patent No. 5,930,744)
Inventors: Frank J. KOCH) Group Art Unit: 2857
Leon C. VANDERVALK)
David J. BEAMISH) Examiner: H. Vo
Application No.: 09/542,640)
Filed: April 3, 2000)
For: COATING THICKNESS GAUGE)

**SUPPLEMENTAL
DECLARATION UNDER 37 C.F.R. §1.175(a) AND POWER OF ATTORNEY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Frank J. Koch, a citizen of Canada and a resident of Ogdensburg, New York, USA, having a post office address of RD #4, Box 139, Ogdensburg, New York 13669; Leon C. Vandervalk, a citizen of Canada and a resident of Brockville, Ontario, Canada, having a post office address of 4125 Bissletown Road; RR#2 Brockville, Ontario, Canada K6V 5T2; and David J. Beamish, a citizen of Canada and a resident of Brockville, Ontario, Canada, having a post office address of 1 Glenview Terrace, Brockville, Ontario, Canada K6V 2Y4, the undersigned Petitioners, hereby declare that we verily believe that we are the first, original and joint inventors of the subject matter which is described and claimed in this application for reissue and for which reissue of the original Letters Patent on the invention entitled

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"COATING THICKNESS GAUGE" is sought. We do not know and do not believe that the invention was ever known or used before the invention thereof was made.

The entire right, title and interest in and to United States Letters Patent No. 5,930,744 granted on July 27, 1999 and entitled "COATING THICKNESS GAUGE" is vested in Defelsko Corporation, a corporation existing under the laws of the United States and having a place of business in Ogdensburg, New York.

Petitioners further declare the following:

We verily believe United States Letters Patent No. 5,930,744 (the '744 patent) may be at least partly inoperative for the reason that we claimed less than we had a right to claim in the patent. Specifically, the '744 patent did not include Claims 31-45, which are included with this application. In the '744 patent, only claims 1 - 9 are method claims. Claim 1, the only independent method claim, recites a method that includes, among other elements, the step of obtaining a *plurality* of coating thickness values. Claims 2 - 9 depend from claim 1, and thus also include the elements of claim 1. New claim 31 defines a method that includes, among other elements, the step of taking *a* coating thickness reading...to obtain a coating thickness value." Accordingly, claim 31 does not require the taking of a plurality of readings.

Therefore, the scope of claim 31 is, in at least some respects, broader than the claims issued in the original '744 patent. Accordingly, as a result of the preparation and prosecution of the application leading to the '744 patent, the '744 patent contained an error in that it did not claim all that the applicants had a right to claim.

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All errors being corrected in this reissue application up to the time of filing of the oath or declaration arose without any deceptive intention on our part.

We have reviewed and understand the contents of the specification, including the claims, as amended by any amendments specifically referred to in the oath or declaration of the above-identified Reissue Patent Application.

We acknowledge the duty to disclose information of which we are aware that is material to the examination of the above-identified Reissue Patent Application in accordance with Title 37, Code of Federal Regulations, § 1.56.

We hereby appoint Ronald L. Grudziecki, Registration No. 24,970 and William C. Rowland, Registration No. 30,888, to prosecute and transact all business in the U.S. Patent and Trademark Office in connection with the above-identified reissue application.

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The undersigned Petitioners hereby declare further that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: Sept 19 2001

By: Frank J. Koch
Frank J. Koch

Date: Sept 19, 2001

By: Leon C. Vandervalk
Leon C. Vandervalk

Date: Sept. 19, 2001

By: David J. Beamish
David J. Beamish